

**EXHIBIT E**



## GOETZ FITZPATRICK LLP

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October 1, 2013

Edward S. Saviano, Esq.  
Saviano, P.C.  
51 East 42<sup>nd</sup> Street, 11<sup>th</sup> Floor  
New York, New York 10017

**Re: OTR Media Group, Inc.**  
**Chapter 11 Case No.: 1-11-47385 (ESS)**

Dear Mr. Saviano:

As you are aware, this firm represents OTR Media Group, Inc., the debtor in the above-referenced chapter 11 case. I write in response to your letter dated September 27, 2013.

With respect to your contention that the subpoena is null and void because it was not personally served, this argument was expressly raised and rejected in In re Shur, 184 B.R. 640, 644 (E.D.N.Y. 1995), where the very Bankruptcy Court where OTR's case is pending held that "the only limitation upon service [of a subpoena] under Rule 45 is that the procedure employed be reasonably calculated to give the non-party actual notice of the proceedings and an opportunity to be heard."

With respect to your query regarding the topic of this deposition, please be advised that in the Debtor's chapter 11 case, there are numerous contested matters between OTR and the City of New York, the primary one being the City's motion to convert the Debtor's case to one under chapter 7. Bankruptcy Rule 9014 makes the Part VII Bankruptcy Rules applicable to contested matters. The Part VII rules incorporate the FRCP, including rules relating to third-party discovery. The Debtor seeks testimony in connection with that contested matter, the nature of which will be elicited at the deposition. Accordingly, the Debtor is permitted to serve the subpoena with deposition notice that your client received.

Your client may not be able to provide the testimony we seek, but we are certainly entitled to investigate it. Accordingly, the subpoena is effective and your client must appear for his deposition on October 9, 2013. Please be guided accordingly.

Respectfully yours,

GOETZ FITZPATRICK LLP

By: 

Scott D. Simon